

109TH CONGRESS
1ST SESSION

S. 2070

To provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2005

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mohawk River Hydro-
5 electric Projects Licensing Act of 2005”.

6 **SEC. 2. LICENSING OF MOHAWK RIVER HYDROELECTRIC**
7 **PROJECTS.**

8 (a) IN GENERAL.—If a hydroelectric project on the
9 Mohawk River in the State of New York has been oper-
10 ating under annual licenses for 10 or more years, the Fed-

1 eral Energy Regulatory Commission (referred to in this
2 Act as the “Commission”) shall not issue a new license
3 for the project until the Commission—

4 (1) issues a public notice that the Commission
5 will accept other valid license applications to develop
6 the project works or water resources subject to the
7 license in accordance with subsection (b); and

8 (2) if other valid license applications are sub-
9 mitted in accordance with subsection (b), the Com-
10 mission approves a license application in accordance
11 with subsection (c).

12 (b) APPLICATION REQUIREMENTS.—To be valid, a li-
13 cense application submitted under subsection (a) shall—

14 (1) be in an appropriate form, as determined by
15 the Commission, in accordance with regulations of
16 the Commission; and

17 (2) be submitted to the Commission not later
18 than July 31, 2006.

19 (c) PROCESSING; APPROVAL.—As soon as practicable
20 after July 31, 2006, the Commission shall—

21 (1) expeditiously process any pending valid li-
22 cense applications in accordance with subsections (a)
23 and (c) of section 15 of the Federal Power Act (16
24 U.S.C. 808); and

1 (2) approve a valid license application and issue
2 a license only if the Commission determines that the
3 project will best develop the affected water re-
4 sources, consistent with section 10(a) of the Federal
5 Power Act (16 U.S.C. 803(a)).

6 (d) LICENSE CONDITIONS.—Any new power license
7 issued for a project described in subsection (a) shall in-
8 clude the same license conditions relating to the use of
9 affected waters provided in articles 32 and 33 of the li-
10 cense included in Potomac Light & Power Company,
11 Project No. 2343, 32 F.P.C. 584, 588 (1964).

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